

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

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**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5**

CHGA-004-0005

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court following the Pretrial Conference held on September 4, 2002 at the United States District Court, Santa Fe, New Mexico, and the oral motion made by the State of New Mexico *ex rel.* State Engineer ("State") to adjudicate the water rights of Defendant **ESTATE OF EDUVIGEN SERRANO** ("Defendant") by default order. The Court, having considered the record in this cause and being fully advised in the premises, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. Defendant Eduvigen Serrano filed a Statement of Water Rights Claim with the Court on December 11, 2000 (Docket No. 6065) claiming water rights in Section 5 of the Rio Chama Stream System. The Estate of Eduvigen Serrano was substituted for Mr. Serrano by order filed December 12, 2001 (Docket No. 6445).
3. The State disputed the water rights claims of the Defendant, and the State proposed that the Court adjudicate the claims of the Defendant as "No Right" or without water rights.
4. The Pretrial Order entered May 3, 2002 (Docket No. 6699) required the Defendant to make

6870

initial discovery disclosures to the State no later than July 30, 2002; the Defendant failed to exchange this information with the State.

5. The Order Setting Pretrial Conference entered August 26, 2002 (Docket No. 6829) ordered the Defendant to appear before the Special Master on September 4, 2002 at the United States District Court in Santa Fe, New Mexico; the Defendant failed to appear as required.
6. Under Federal Rule of Civil Procedure 16(f), if a party fails to obey a scheduling or pretrial order, or fails to appear at a scheduling or pretrial conference, the Court may make such orders with regard thereto as are just, and among others, any of the orders provided in Rule 37(b)(2)(B), (C), (D).
7. The water rights of the Defendant in the above-styled and captioned cause should be adjudicated by default order as follows:

ESTATE OF EDUVIGEN SERRANO

Subfile No.: CHGA-04-0005

A. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s): NONE

Priority: NONE

Source of Water: NONE

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch Name: NONE

Location X: 0 feet Y: 0 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Section 09, Township 23N, Range 01E, N.M.P.M.


Pt. NW¼	7.3 acres
Pt. SW¼	0.3 acres
Total	7.6 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHGA-04-0005.

Amount of Water: NONE

IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

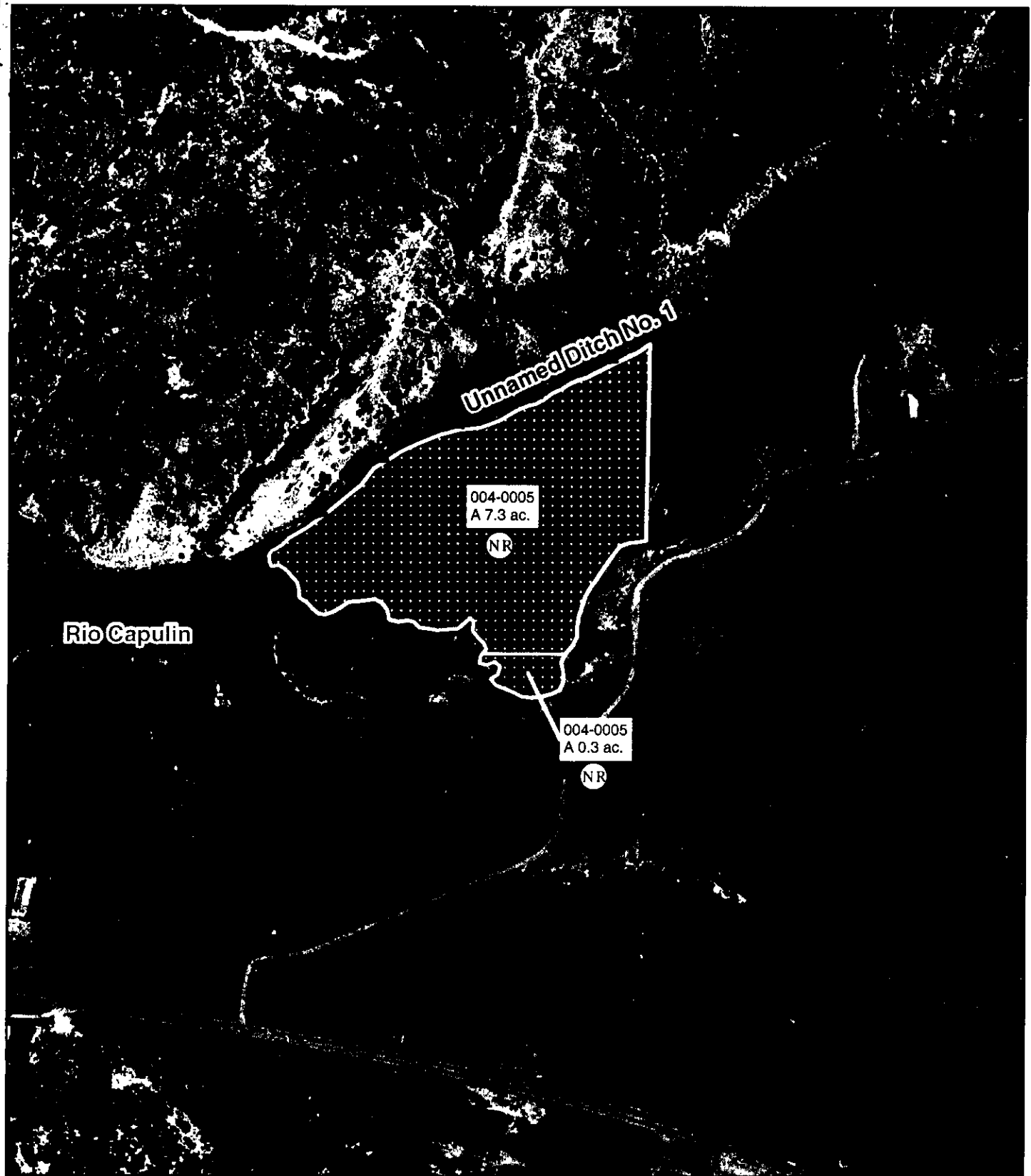


JOHN EDWARDS CONWAY
UNITED STATES DISTRICT JUDGE










Recommended for approval:

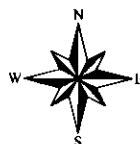


SPECIAL MASTER



LEGEND

- | | |
|--|--|
|  Irrigated Tract Boundary |  Point of Diversion |
|  No Right Tract Boundary |  Fallow |
|  Seeped Area |  No Right |
|  Operable Ditch | |
|  Inoperable Ditch | |
|  Stock Ponds / Reservoir | |



1 inch = 300 feet

0 50 100 200 300

Feet

STATE OF NEW MEXICO
Office of the State Engineer
Thomas C. Turney, State Engineer

Rio Chama Hydrographic Survey
RIO GALLINA SECTION

Subfile Number
CHGA 004-0005
June 28, 2002

